

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT HUNTINGTON

RANDALL LEE MAYS, II,

Plaintiff,

V.

CIVIL ACTION NO. 3:03-0535

WAYNE COUNTY JAIL,

Defendant.

FINDINGS AND RECOMMENDATION

By order entered December 13, 2005, the parties were advised that failure to show good cause for the retention of this matter on the Court's docket would result in a recommendation that it be dismissed from the Court's docket. Although the time provided for filing a response to the order has passed, the parties have failed to respond in any manner.

RECOMMENDATION

In light of the foregoing, it is **RESPECTFULLY RECOMMENDED** that this action be dismissed from the Court's docket.

Plaintiff and defendant are hereby notified that a copy of these Findings and Recommendation will be submitted to the Honorable Robert C. Chambers, United States District Judge, and that, in accordance with the provisions of Rule 72(b), Fed.R.Civ.P., the parties may, within thirteen days from the date of filing of these Findings and Recommendation, serve and file written objections

with the Clerk of this Court identifying the portions of the Findings and Recommendation to which objection is made and the basis for such objection. The Judge will make a de novo determination of those portions of the Findings and Recommendation to which objection is made in accordance with the provisions of 28 U.S.C. §636(b) and the parties are advised that failure to file timely objections will result in a waiver of their right to appeal from a judgment of the district court based on such Findings and Recommendation. Copies of objections shall be served on all parties with copies of the same to Judge Chambers and this Magistrate Judge.

The Clerk is directed to file these Findings and Recommendation and mail a copy of the same to plaintiff and counsel of record.

DATED: March 14, 2006


MAURICE G. TAYLOR, JR.
UNITED STATES MAGISTRATE JUDGE